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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,586	02/15/2002	Kazuhiko Tani	30641T/50930	9413

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EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/075,586

Applicant(s)

TANI ET AL.

Examiner

Trang U. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/15/2002</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by McDermott (US 6,775,843 B1).

In considering claim 1, McDermott discloses a receiving device (Fig. 1) used in a digital television, comprising all the claimed limitations, noted 1) the claimed a receiver for forming a plurality of virtual channels multiplexed onto a physical channel to thereby receive a digital broadcast transmitting channel information indicating a program for each of the virtual channels and attributes of the virtual channels is met by the receiver 110 (Fig. 1, col. 3, lines 12-27 and col. 5, lines 7-14), 2) the claimed a channel selecting section for switching the physical channel for the digital broadcast received by the receiver and also switching the virtual channels formed onto the physical channel is met by the remote control (col. 3, line 66 to col. 4, line 15 and col. 6, lines 21-42), 3) the claimed an automatic storage section for switching (s9) the physical channels at the channel selecting section to thereby detect (s4) whether a program is broadcast at each of the physical channels and obtain (s5) the channel information of a physical channel

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at which a program is broadcast and then register (s6) the physical channels in a channel map in correlation with the virtual channels is met by the auto programming (col. 5, lines 8-62), 4) the claimed an automatic storage instructing section for instructing the automatic storage section to perform an operation thereof is met by the auto programming (col. 5, lines 8-62), and 5) the claimed a channel storing section for storing a specified virtual channel is met by the mapping module 600 (Fig. 6, col. 6, lines 16-42), 6) the claimed wherein: the automatic storage section, when the channel information obtained on the physical channels at which a program is broadcast contains (s7) any other physical channels therein, registers (s8) the physical channels thereof in the channel map, decides (s3) whether the physical channel which is switched at the step (s9) has been registered in the channel map, and if the physical channel has been registered, not to detect (s3: No) whether a program is broadcast at the other physical channels and also inhibits the virtual channels stored in the channel storing section from being registered in the channel map is met by the block 342 and 350 of Fig. 3B (Fig. 3B, col. 5, lines 56-62); and the channel selecting section usually inhibits the physical channels and the virtual channels not registered in the channel map from being selected is met by the remote control to power off or stop the auto programming module 300 (col. 3, line 66 to col. 4, line 15 and col. 5, lines 8-62).

In considering claim 2, McDermott discloses a receiving device (Fig. 1) used in a digital television, comprising all the claimed limitations, noted 1) the claimed a receiver for forming a plurality of virtual channels multiplexed onto a physical channel to thereby receive a digital broadcast transmitting channel information indicating a program for

each of the virtual channels and attributes of the virtual channels is met by the receiver 110 (Fig. 1, col. 3, lines 12-27 and col. 5, lines 7-14); 2) the claimed a channel selecting section for switching the physical channel for the digital broadcast received by the receiver and also switching the virtual channels formed onto the physical channel is met by the remote control (col. 3, line 66 to col. 4, line 15 and col. 6, lines 21-42); 3) the claimed an automatic storage section for switching (s9) the physical channels at the channel selecting section to thereby detect (s4) whether a program is broadcast at each of the physical channels and obtain (s5) the channel information of a physical channel at which a program is broadcast and then register (s6) the physical channels in a channel map in correlation with the virtual channels is met by the auto programming (col. 5, lines 8-62); 4) the claimed an automatic storage instructing section for instructing the automatic storage section to perform an operation thereof is met by the auto programming (col. 5, lines 8-62); and 5) the claimed a channel storing section for storing a specified virtual channel is met by the mapping module 600 (Fig. 6, col. 6, lines 16-42); 6) the claimed wherein: the automatic storage section, when the channel information obtained on the physical channels at which a program is broadcast contains (s7) any other physical channels therein, registers (s8) the physical channels thereof in the channel map, decides (s3) whether the physical channel which is switched at the step (s9) has been registered in the channel map, and if the physical channel has been registered, not to detect (s3: No) whether a program is broadcast at the other physical channels is met by the block 342 and 350 of Fig. 3B (Fig. 3B, col. 5, lines 56-62); and the channel selecting section usually inhibits the physical channels not registered in the

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channel map and the virtual channels stored in the channel storing section from being selected is met by the remote control to power off or stop the auto programming module 300 (col. 3, line 66 to col. 4, line 15 and col. 5, lines 8-62).

In considering claim 3, McDermott discloses a receiving device (Fig. 1) used in a digital television, comprising all the claimed limitations, noted 1) the claimed a receiver for receiving a digital broadcast is met by the receiver 110 (Fig. 1, col. 3, lines 12-27 and col. 5, lines 7-14); 2) the claimed a channel selecting section for switching a channel for the digital broadcast received by the receiver is met by the remote control (col. 3, line 66 to col. 4, line 15 and col. 6, lines 21-42); 3) the claimed an automatic storage section for switching the channels at the channel selecting section to thereby detect whether a program is broadcast at each of the channels and register such a channel at which a program is broadcast in a channel map, wherein: the digital broadcast transmits channel information indicating attributes of the virtual channels multiplexed to the channel is met by the auto programming (col. 5, lines 8-62); and 4) the claimed the automatic storage section obtains the channel information on channels at which a program is broadcast, when the channel information contains any other channels therein, registers the channels thereof in the channel map, decides whether the channel which is switched has been registered in the channel map, and if the channel has been registered, not to detect whether a program is broadcast at the other channels is met by the block 342 and 350 of Fig. 3B (Fig. 3B, col. 5, lines 56-62).

In considering claim 4, the claimed an automatic storage instructing section for instructing the automatic storage section to perform an operation thereof is met by the auto programming (col. 5, lines 8-62).

In considering claim 5, the claimed wherein the channel selecting section usually inhibits the channels not registered in the channel map from being selected is met by the remote control to power off or stop the auto programming module 300 (col. 3, line 66 to col. 4, line 15 and col. 5, lines 8-62).

In considering claim 6, the claimed a channel storing section for storing a specified channel, so that the automatic storage section inhibits the channels stored in the channel storing section from being registered in the channel map even if a program is broadcasted trough the channels is met by the remote control to power off or stop the auto programming module 300 (col. 3, line 66 to col. 4, line 15 and col. 5, lines 8-62).

In considering claim 7, the claimed a channel storing section for storing a specified channel, so that the channel selecting section usually inhibits the channel stored in the channel storing section from being selected is met by the remote control to power off or stop the auto programming module 300 (col. 3, line 66 to col. 4, line 15 and col. 5, lines 8-62).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newberry et al (US 6,993,782 B1) discloses program guide information and processor for providing program and channel substitution.

Klopfenstein (US 7,024,676 B1) discloses system for acquiring and processing broadcast programs, program guide and channel identification data.

Ikeguchi (US 7,061,542 B1) discloses television receiving method and television receiver.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 29, 2006



Trang U. Tran  
Primary Examiner  
Art Unit 2622